

07/15/2005 02:23

9194606017

RECEIVED  
CENTRAL FAX CENTER

PAGE 01

JUL 15 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/660,781
Filing Date	09/12/2003
First Named Inventor	Richard David Guarino
Art Unit	1651
Examiner Name	Afremova, Vera
Attorney Docket Number	P-5789

## ENCLOSURES (Check off that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brif, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Becton, Dickinson and Company		
Signature			
Printed name	J. Timothy Meigs		
Date	July 15, 2005	Reg. No.	38,241

## CERTIFICATE OF TRANSMISSION/MAILING

571-273-8300

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	J. Timothy Meigs	Date	July 15, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER  
JUL 15 2005

10/660,781  
P-5769

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: GUARINO, et al.

Title: COVALENTLY ATTACHED COLLAGEN VI FOR CELL ATTACHMENT AND PROLIFERATION

Application No.: 10/660,781

Confirmation No.: 5859

Filing Date: 09/12/2003

Examiner: AFREMOVA, VERA

Art Unit: 1651

REPLY TO RESTRICTION REQUIREMENT

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

In response to the Examiner's restriction requirement under 35 U.S.C. § 121, dated June 17, 2005, the period of response being one (1) month, Applicant elects claim Group I (claims 1, 2, 13-16 and 5-12 (depending on claim 1)) without traverse.

In response to the Examiner's requirement that Applicant elect a single disclosed species that is one of the CAR materials cited in claim 5, Applicant elects hyaluronic acid (HA) without traverse. All of the Group I claims (claims 1, 2, 13-16 and 5-12 (depending on claim 1)) are believed to read on this elected species. Applicant respectfully reminds the Examiner that MPEP § 809.02(a) requires that "upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141."

Appl. No. 10/660,781  
P-5769

Applicant also respectfully reminds the Examiner that MPEP § 821.04 (the section on Rejoinder) requires that "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined." MPEP § 821.04 further states: "Where the application as originally filed discloses the product and the process for making and/or using the product, and only claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the process of making and/or using the patentable product by way of amendment pursuant to 37 CFR 1.121."

Applicant does not believe that any fees are due. However, if necessary, the Commissioner is hereby authorized to charge any fees that are due or credit any overpayment to Deposit Account No. 02-1666. Applicant expressly reserves the right to the non-elected subject matter including the right to file one or more continuation and/or divisional applications to that subject matter as now embraced in the non-elected subject matter. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Applicant's undersigned attorney at the telephone number shown below.

Respectfully submitted,



J. Timothy Meigs  
Attorney for Applicant  
Registration No. 38,241  
(919) 597-6276

Becton, Dickinson and Company  
1 Becton Drive  
Franklin Lakes, New Jersey 07417

July 15, 2005